**THE HONOURABLE SRI JUSTICE V.V.S.RAO**

WRIT PETITION NO.6885 OF 2007

**DATED 05.04.2007**

BETWEEN

Sri Venugopala Swamy Devasthanam

… Petitioner

AND

The Joint Collector, Nalgonda District at Nalgonda and others.

… Respondents

**THE HONOURABLE SRI JUSTICE V.V.S.RAO**

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**ORDER:**

Sri Venugopala Swamy Devasthanam, Mahadevpur village, Bibinagar Mandal, Nalgonda District is the first petitioner. The second

petitioner claims to be the Chairman of the temple and third petitioner is devotee of the temple. It is alleged that land admeasuring 26.37 guntas in survey Nos.2 to 7, 24, 97, 98, 99 and 113 situated at Mahadevpur village was endowed to the temple. After conducting enquiry, the temple was shown in the records as pattadar in the Pahani for the year 1954-1955. However, the land was encroached by the villagers. The temple was deprived of funds for maintenance and therefore, some of the devotees formed into committees for conducting annual festivals. In 1977, one Manne Pentamma filed an application being O.A.No.76 of 1977 before the Deputy Commissioner under Sections 40 and 77 of A.P.Charitable and Hindu Religious Institutions and Endowments Act, 1966 (hereafter called, 1966 Act) for deletion of the entries from the Endowment records. The temple was not represented in the same though one Chakrapani got impleaded but never represented the temple. This O.A., was allowed on 21.09.1981. After coming to know about this order in 1994, the temple represented by its Chairman G.Vittal Singh filed writ petition being W.P.No.5125 of 1994. The writ petition was dismissed by this Court on 06.12.2004 observing that it shall be open to the temple to avail other remedies under A.P.Charitable and Hindu Religious Institutions and Endowments Act, 1987 (hereafter called, 1987 Act). A revision petition being R.P.No.7 of 2005 was then filed before the Regional Joint Commissioner–III, Hyderabad seeking an order to prefer an appeal against the order of Deputy Commissioner. The same was dismissed on 20.01.2005. In the meanwhile, some of the villagers approached the second respondent seeking Occupancy Rights Certificate (ORC) under A.P. (Telangana Area) Abolition of Inams Act, 1955 (Inams Abolition Act). Second respondent vide proceedings No.P/999/1997 issued ORC in favour of those third parties in respect of the entire lands admeasuring Acs.33.24 guntas. This was also not challenged. In the mean while, fifth respondent approached the second respondent requesting to give police protection to his land. In response thereto, second respondent addressed a letter, dated 26.12.2006, to third respondent to provide protection to entire lands as requested by fifth respondent. Aggrieved by this, present writ petition is filed.

Learned counsel for the petitioner submits that it is not competent for the second respondent to issue any requisition to third respondent to give protection to fifth respondent especially when temple itself is owner of the property and fifth respondent and others obtained ORC fraudulently. The learned Assistant Government Pleader for Revenue (Telangana) has taken this Court through various contentions made by petitioner in the writ affidavit and submits that under 1966 Act as well as Inams Abolition Act, the first petitioner failed to establish its right over the land and when they tried to interfere with the possession of fifth

respondent, the second respondent as Sub Divisional Executive Magistrate issued impugned letter, which is proper.

A reading of the affidavit accompanying the writ petition would show that in the O.A., filed under Section 77 of the 1966 Act, and in the writ petition as well as subsequent revision petition before the Joint Commissioner, the petitioner failed to establish that it was the owner of the subject lands. Secondly, when the fifth respondent and others approached second respondent for grant of ORC under Inams Abolition Act, the petitioners did not move to obtain the same. The ORC issued has become final. Therefore, the petitioners have no right to interfere with the possession of the land in the hands of third parties. Secondly, except claiming himself as the Chairman of the temple, no order of the competent authority appointing him as Chairman is placed by second petitioner. Therefore, this Court does not find any infirmity in the impugned letter, which is issued to protect law and order in the area. The remedy of first petitioner to get back the land lies elsewhere.

The writ petition is misconceived and is accordingly dismissed. No costs.

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**(V.V.S.RAO,J)**

05.04.2007.
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